
IN THE UNITED STATES DISTRICT COURT FOR THE DISTRICT OF UTAH
CENTRAL DIVISION

**DEVELOPERS SURETY AND
INDEMNITY COMPANY,**

Plaintiff,

vs.

**BOSWELL-OLSEN ENTERPRISES,
INC., et al.**

Defendants.

**MEMORANDUM DECISION AND
ORDER**

Case No. 2:12CV367DAK

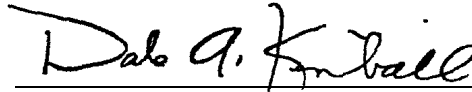
Judge Dale A. Kimball

On November 29, 2013, Plaintiff filed a Motion for Leave to Amend Complaint. No opposition was filed to that motion. Then, on December 17, 2013, Plaintiff filed an Amended Motion for Leave to Amend Its Complaint. Any opposition to that motion was due January 3, 2014. *See* DUCivR 7-1(b)(3)(B). As of the date of this Order, Defendants have not opposed Plaintiff's motion. Under DuCivR 7-1(d), failure to respond timely to a motion may result in the court's granting of the motion without further notice.

Rule 15 of the Federal Rules of Civil Procedure instructs that leave to amend shall be freely given. Being fully informed and for good cause appearing, Plaintiff's Amended Motion for Leave to Amend Its Complaint [Docket No. 46] is GRANTED and Plaintiff is granted leave to file the Amended Complaint attached to its amended motion. Plaintiff's Motion to Amend [Docket No. 45] is MOOT as a result of Plaintiff's Amended Motion for Leave to Amend Its Complaint.

DATED this 22d day of January, 2014.

BY THE COURT:

A handwritten signature in black ink, reading "Dale A. Kimball". The signature is written in a cursive style with a large initial "D".

DALE A. KIMBALL

United States District Judge